

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Laura Virgen

Plaintiff,

v.

University of Illinois-Chicago

Defendant.

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Case No.

PLAINTIFF'S COMPLAINT AT LAW

Introduction

1. Plaintiff, Laura Virgen, brings this action pursuant to Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e. Plaintiff contends that the Defendant's officials discriminated against her by verbally harassing humiliating and berating her because of her national origin and ancestry (Mexican).

Jurisdiction

2. This Court has jurisdiction over the subject matter of this civil action pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-16.

Venue

3. Venue is proper in this judicial district under 42 U.S.C. Section 2000e-5(f)(3) and 5 U.S.C. § 7703(b)(2); as Plaintiff is employed by the University of Illinois Hospital-Chicago at the time of the discrimination and plaintiff's employment records are maintained by the University of Illinois-Chicago in this judicial district, and decisions adverse to Plaintiff's employment that are the subject of this civil action were made in this judicial district.

Parties

4. Plaintiff, Laura Virgen, is a female of Hispanic heritage and ancestry who is a citizen of the United States and a resident of the town of Cicero, Illinois. At all times relevant to this suit she is employed by the University of Illinois-Chicago Hospital in the City of Chicago, Illinois.

5. Defendant, University of Illinois-Chicago Hospital is a medical corporation that is located in the City of Chicago, Illinois.

Statement of Facts

6. The Defendant hired the Plaintiff as a nurse technician in 2009.
7. From January 2018 and continuin to the present the Plaintiff has been verbally harassed, repeatedly humiliated and consistently berated by non-Hispanic charge nurses who are in charge of the nurse technician department.
8. The charge nurses have undertaken this action against the Plaintiff notwithstanding the fact that her performance as a nurse technician meets the Defendant's expectations.
9. Moreover, from February 2018 to the present the Plaintiff has been subjected to unequal terms and conditions of employment in that the Defendant has disproportionally assigned to her more patients that require enhanced care than have been assigned to non-Hispanic co-employees, thus affecting her overall performance as a nurse technician.
10. On or about June 3, 2018, Registered Nurse Maria Areno slapped the Plaintiff's hand during a discussion that she was then and there having with the Plaintiff.
11. On or about July 7, 2018 the Director of Patient Care Services issued to the Plaintiff a negative performance evaluation despite the fact that her performance was as good or better than similarly situated non-Hispanic employees.
12. On or about June 28, 2018 the Plaintiff filed a charge of discrimination under charge number IDHR 2018CF2805. After Ms. Freedmanfiled her initial EEO complaint, the defendant's treatment of the Plaintiff became increasingly hostile.
13. On or about July 23, 2018 the Plaintiff was suspended from employment for 15 days without pay for claimed poor work performance despite the fact that her performance was as good or better than similarly situated non-Hispanic employees.
14. Similarly situated non-Hispanic employees were not suspended under similar circumstances.
15. The Plaintiff alleges that the suspension was in retaliation against her for the filing of the charge of discrimination.
16. Based on the foregoing actions of the Defendant's charge nurses, the Plaintiff filed two (2) charges of discrimination jointly filed with the Illinois Department of Human Rights and the federal Equal Employment Opportunity Commission. Copies of said charges are attached hereto as **Exhibit A**.

Count One

**(Ancestry and Heritage Discrimination in Violation of Title VII of the
Civil Rights Act of 1964, 42 USC 2000e. et seq.)**

15. Paragraphs one (1) through sixteen (16) are realleged and incorporated by reference herein.

16. The Defendant's conduct as alleged at length herein constitutes discrimination based on ancestry and heritage discrimination in violation of Title VII. The stated reasons for the Defendant's conduct were not the true reasons, but instead were pretextual to hide the Defendant's discriminatory animus.

Count Two

(Retaliation for Engaging in Protected Activities)

17. Paragraphs one (1) through sixteen (16) are realleged and incorporated by reference herein.

18. The Defendant's conduct as alleged above constitutes retaliation against the Plaintiff Because she engaged in activities that are protected by Title VII. The stated reasons for the Defendant's conduct were not the true reasons, but instead were pretext to hide the Defendant's retaliatory animus.

Count Three

(Hostile and Abusive Working Environment)

19. Paragraphs one (1) through sixteen (16) are realleged and incorporated by reference herein.

20. The Defendant's conduct as alleged above constitutes hostile and abusive working environment in violation of Title VII. The stated reasons for the Defendant's conduct were not the true reasons, but instead were pretext to hide the Defendant's discriminatory animus.

Prayer for Relief

Accordingly, the Plaintiff prays that the Defendants be cited to appear and to answer in this action, and that upon the evidence, the finding of the jury and applicable law. The court enter judgment as follows:

21. A verdict in the Plaintiff's favor and against the Defendant in an amount in excess of \$75,000.00 to compensate the Plaintiff for physical and emotional damages;

22. An order to the Defendant telling it to immediately stop the harassment and humiliation of the Plaintiff;

23. An order to the Defendant telling it to immediately stop intentionally assigning to the Plaintiff those patients who require enhanced care and treatment;
24. An order to the Defendant telling it to immediately stop retaliating against the Plaintiff.

LAURA VIRGEN

By: /s/Scott Skaletsky
Scott Skaletsky

Scott Skaletsky
Gardi & Haught, Ltd.
939 Plum Grove Road, Suite C
Schaumburg, IL 60173
(847) 944-9400
(847) 944-9401 fax
ARDC # 6181405

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974: See Privacy act statement before completing this form.

19W0806.05

AGENCY☒ IDHR☐ EEOC**CHARGE NUMBER**

2019CF0171

Illinois Department of Human Rights and EEOC

NAME OF COMPLAINANT (indicate Mr. Ms. Mrs.)

Laura E. Cuero-Virgen

TELEPHONE NUMBER (include area code)

(708) 577-3385

STREET ADDRESS

6935 W. Gunnison Street. Apt. 2-B

CITY, STATE AND ZIP CODE

Harwood Heights, IL 60706

DATE OF BIRTH

MM / DD / YYYY

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (IF MORE THAN ONE LIST BELOW)

NAME OF RESPONDENT

University of Illinois at Chicago Hospital

NUMBER OF
EMPLOYEES,
MEMBERS 15+

TELEPHONE NUMBER (include area

(312) 996-1087

STREET ADDRESS

1740 W. Taylor Street

CITY, STATE AND ZIP CODE

Chicago, IL 60612

COUNTY

Cook

CAUSE OF DISCRIMINATION BASED ON:

National Origin Ancestry Retaliation

DATE OF DISCRIMINATION

EARLIEST (ADEA/EPA) LATEST (ALL)

07/07/18 07/23/18

☐ CONTINUING ACTION

THE PARTICULARS OF THE CHARGE ARE AS FOLLOWS:

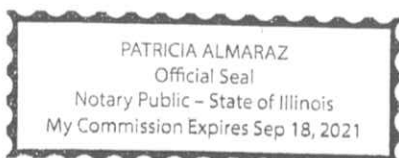
SEE ATTACHED

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HMS

I also want this charge filed with the EEOC. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

SUBSCRIBED AND SWORN TO BEFORE ME

THIS 6 DAY OF August 2018X [Signature]
NOTARY SIGNATURE

NOTARY STAMP

X [Signature]
SIGNATURE OF COMPLAINANT

DATE

I declare under penalty that the foregoing is true and correct I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief

Charge Number: 2019CF0171

Complainant: Laura E. Cuero-Virgen

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I. A. ISSUES/BASIS

NEGATIVE PERFORMANCE EVALUATION – JULY 7, 2018, DUE TO MY NATIONAL ORIGIN, MEXICO

B. PRIMA FACIE ALLEGATIONS

1. My national origin is Mexico.
2. Respondent is aware of my national origin.
3. My performance as a nurse technician meets Respondent's expectations. I was hired on February 6, 2011.
4. On July 7, 2018, Barbara Washington (USA), Director of Patient Care Services, issued me a negative performance evaluation.
5. My work performance was as good or better than similarly situated employees whose national origins were not Mexico and who were not issued a negative performance evaluation.

II. A. ISSUES/BASIS

NEGATIVE PERFORMANCE EVALUATION – JULY 7, 2018, DUE TO MY ANCESTRY, HISPANIC

B. PRIMA FACIE ALLEGATIONS

1. My ancestry is Hispanic.
2. Respondent is aware of my ancestry.
3. My performance as a nurse technician meets Respondent's expectations. I was hired on February 6, 2011.
4. On July 7, 2018, Barbara Washington (non-Hispanic), Director of Patient Care Services, issued me a negative performance evaluation.
5. My work performance was as good or better than similarly situated non-Hispanic employees and who were issued a negative performance evaluation.

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Complainant: Laura E. Cuero-Virgen

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III. A. ISSUES/BASIS

SUSPENSION – JULY 23, 2018, DUE TO MY NATIONAL ORIGIN, MEXICO

B. PRIMA FACIE ALLEGATIONS

1. My national origin is Mexico.
2. Respondent is aware of my national origin.
3. My performance as a nurse technician meets Respondent's expectations. I was hired on February 6, 2011.
4. On July 23, 2018, Barbara Washington (USA), Director of Patient Care Services, suspended me for fifteen days without pay. The reason cited for the suspension were for continued poor work performance, failure to perform job duties and for continued inappropriate communication.
5. Similarly situated employees whose national origins were not Mexico and who were not suspended under similar circumstances.

IV. A. ISSUES/BASIS

SUSPENSION – JULY 23, 2018, DUE TO MY ANCESTRY, HISPANIC

B. PRIMA FACIE ALLEGATIONS

1. My ancestry is Hispanic.
2. Respondent is aware of my ancestry.
3. My performance as a nurse technician meets Respondent's expectations. I was hired on February 6, 2011.
4. On July 23, 2018, Barbara Washington (non-Hispanic), Director of Patient Care Services, suspended me for fifteen days without pay. The reason cited for the suspension were for continued poor work performance, failure to perform job duties and for continued inappropriate communication.
5. Similarly situated non-Hispanic employees were not suspended under similar circumstances.

Charge Number: 2019CF0171

Complainant: Laura E. Cuero-Virgen

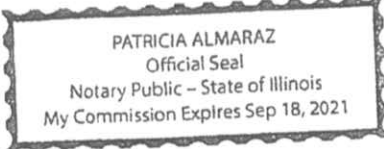
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V. A. ISSUES/BASIS

SUSPENSION – JULY 23, 2018, IN RETALIATION FOR HAVING FILED
A PERVIOUS IDHR DISCRIMINATION AGAINST RESPONDENT

B. PRIMA FACIE ALLEGATIONS

1. On June 28, 2018, I filed IDHR discrimination charge #2018CF2805 against Respondent.
2. On July 23, 2018, Barbara Washington, Director of Patient Care Services, suspended me for fifteen days without pay. The reason cited for the suspension were for continued poor work performance, failure to perform job duties and for continued inappropriate communication.
3. The adverse action followed the filing of my discrimination charge, thereby, raising an inference of retaliatory motivation.

CHARGE OF DISCRIMINATION		AGENCY	CHARGE NUMBER
This form is affected by the Privacy Act of 1974: See Privacy act statement before completing this form.		<input checked="" type="checkbox"/> IDHR	2018CF2805
# 18w0628.03		<input type="checkbox"/> EEOC	
Illinois Department of Human Rights and EEOC			
NAME OF COMPLAINANT (indicate Mr. Ms. Mrs.)		TELEPHONE NUMBER (include area code)	
Laura E. Cuero-Virgen		(708) 577-3385	
STREET ADDRESS	CITY, STATE AND ZIP CODE	DATE OF BIRTH	
1416 Bear Flag Drive	Hanover Park, IL 60133	MM / DD / YYYY	
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (IF MORE THAN ONE LIST BELOW)			
NAME OF RESPONDENT	NUMBER OF EMPLOYEES, MEMBERS 15+	TELEPHONE NUMBER (include area)	
University of Illinois at Chicago Hospital		(312) 996-1087	
STREET ADDRESS	CITY, STATE AND ZIP CODE	COUNTY	
1740 W. Taylor Street	Chicago, IL 60612	Cook	
CAUSE OF DISCRIMINATION BASED ON:		DATE OF DISCRIMINATION EARLIEST (ADEA/EPA) LATEST (ALL)	
National Origin Ancestry		01/2018 06/2018	
		<input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS OF THE CHARGE ARE AS FOLLOWS:			
<u>SEE ATTACHED</u>			
Page 1 of 4		HMS	
I also want this charge filed with the EEOC. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		SUBSCRIBED AND SWORN TO BEFORE ME	
		THIS <u>28</u> DAY OF <u>June</u> , <u>2018</u>	
		X <u>[Signature]</u> NOTARY SIGNATURE	
		X <u>[Signature]</u> <u>June 28, 2018</u> SIGNATURE OF COMPLAINANT DATE	
NOTARY STAMP		I declare under penalty that the foregoing is true and correct I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief	

Charge Number: 2018CF2805
Complainant: Laura E. Cuero-Virgen
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I. A. ISSUES/BASIS

HARASSMENT – JANUARY 2018, AND CONTINUING UNTIL THE PRESENT, JUNE 2018, DUE TO MY NATIONAL ORIGIN, MEXICO

B. PRIMA FACIE ALLEGATIONS

1. My national origin is Mexico.
2. Respondent is ware of my national origin.
3. My performance as a nurse technician meets Respondent's expectations. I was hired in August 2009.
4. From January 2018 and continuing until the present, June 2018, I have been verbally harassed, repeatedly humiliated and constantly berated by Maria Areno (Philippines), Charge Nurse, Eva Raflos (Philippines), Charge Nurse, and Letty (last name unknown, Philippines), Charge Nurse.
5. Similarly situated employees whose national origins were not Mexico were not treated in a similar manner.

II. A. ISSUES/BASIS

HARASSMENT – JANUARY 2018, AND CONTINUING UNTIL THE PRESENT, JUNE 2018, DUE TO MY ANCESTRY, HISPANIC

B. PRIMA FACIE ALLEGATIONS

1. My ancestry is Hispanic.
2. Respondent is ware of my ancestry.
3. My performance as a nurse technician meets Respondent's expectations. I was hired in August 2009.
4. From January 2018 and continuing until the present, June 2018, I have been verbally harassed, repeatedly humiliated and constantly berated by Maria Areno (non-Hispanic), Charge Nurse, Eva Raflos (non-Hispanic), Charge Nurse, and Letty (last name unknown, non-Hispanic), Charge Nurse.
5. Similarly situated non-Hispanic employees were not treated in a similar manner.

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Complainant: Laura E. Cuero-Virgen
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III. A. ISSUES/BASIS

UNEQUAL TERMS AND CONDITIONS OF EMPLOYMENT –
FEBRUARY 2018, AND CONTINUING UNTIL THE PRESENT, JUNE
2018, DUE TO MY NATIONAL ORIGIN, MEXICO

B. PRIMA FACIE ALLEGATIONS

1. My national origin is Mexico.
2. Respondent is ware of my national origin.
3. My performance as a nurse technician meets Respondent's expectations. I was hired in August 2009.
4. From February 2018 and continuing until the present, June 2018, Respondent has subjected me to unequal terms and conditions of employment, in that, Respondent has disproportionally assigned me patients that require more care than my non-Mexico counterparts, thus affecting my overall performance as a nurse technician.
5. Similarly situated employees whose national origins were not Mexico were subjected to said terms and conditions of employment.

IV. A. ISSUES/BASIS

UNEQUAL TERMS AND CONDITIONS OF EMPLOYMENT –
FEBRUARY 2018, AND CONTINUING UNTIL THE PRESENT, JUNE
2018, DUE TO MY ANCESTRY, HISPANIC

B. PRIMA FACIE ALLEGATIONS

1. My ancestry is Hispanic.
2. Respondent is ware of my ancestry.
3. My performance as a nurse technician meets Respondent's expectations. I was hired in August 2009.
4. From February 2018 and continuing until the present, June 2018, Respondent has subjected me to unequal terms and conditions of

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Complainant: Laura E. Cuero-Virgen

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employment, in that, Respondent has disproportionally assigned me patients that require more care than my non-Hispanic counterparts, thus affecting my overall performance as a nurse technician.

5. Similarly situated non-Hispanic employees were not subjected to said terms and conditions of employment.